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Docket No. C&R-117
Serial No. 10/600,790

In the Claims

1 (currently amended). ~~A An isolated polypeptide, which polypeptide that:~~

- (i) comprises or consists of the amino acid sequence as recited in SEQ ID NO:2;
- (ii) is a fragment of SEQ ID NO:2 thereof that is an interferon gamma like secreted protein of the four helical bundle cytokine fold, or having an antigenic determinant in common with polypeptides of (i); or
- (iii) is a functional equivalent of (i) or (ii) has greater than 90% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof;

wherein said isolated polypeptide or fragment has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

2-5 (canceled).

6 (currently amended). ~~The fragment or functional equivalent of claim 4 isolated~~ polypeptide according claim 1, wherein said polypeptide has greater than 95% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells ~~there is greater than 95% sequence identity.~~

7 (currently amended). ~~The fragment or functional equivalent of claim 4 isolated~~ polypeptide according claim 1, wherein said polypeptide has greater than 98% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate

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aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells, wherein there is greater than 98% sequence identity.

8 (currently amended). ~~The fragment or functional equivalent of claim 4 isolated polypeptide according to claim 1, wherein said polypeptide has greater than 99% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells wherein there is greater than 99% sequence identity.~~

9-50 (canceled).

51 (new). The isolated polypeptide according to claim 1, wherein said polypeptide comprises the amino acid sequence as recited in SEQ ID NO: 2.

52 (new). The isolated polypeptide according to claim 1, wherein said polypeptide consists of the amino acid sequence as recited in SEQ ID NO: 2.

53 (new). The isolated polypeptide according to claim 1, wherein said polypeptide is a fragment of SEQ ID NO: 2 and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

54 (new). The isolated polypeptide according to claim 1, wherein said polypeptide is a fragment of a polypeptide having greater than 90% sequence identity to SEQ ID NO: 2 and said fragment has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels

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of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

- 55 (new). A composition comprising a pharmaceutical carrier and a polypeptide that:
- (i) comprises or consists of the amino acid sequence as recited in SEQ ID NO:2;
 - (ii) is a fragment of SEQ ID NO:2; or
 - (iii) has greater than 90% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof;

wherein said isolated polypeptide or fragment has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

56 (new). The composition according to claim 55, wherein said polypeptide has greater than 95% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

57 (new). The composition according to claim 55, wherein said polypeptide has greater than 98% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

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58 (new). The composition according to claim 55, wherein said polypeptide has greater than 99% sequence identity with the polypeptide of SEQ ID NO: 2 or a fragment thereof and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

59 (new). The composition according to claim 55, wherein said polypeptide comprises the amino acid sequence as recited in SEQ ID NO: 2.

60 (new). The composition according to claim 55, wherein said polypeptide consists of the amino acid sequence as recited in SEQ ID NO: 2.

61 (new). The composition according to claim 55, wherein said polypeptide is a fragment of SEQ ID NO: 2 and has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

62 (new). The composition according to claim 55, wherein said polypeptide is a fragment of a polypeptide having greater than 90% sequence identity to SEQ ID NO: 2 and said fragment has anti-viral activity, antiproliferative activity on cancer cells, the ability to increase levels of TNF- α , IL-2, IL-4, IFN- γ , aspartate aminotransferase (ASAT) or alanine aminotransferase (ALAT) *in vivo*, or the ability to induce IFN- γ secretion by concanavalin A or phytohemagglutinin stimulated peripheral blood mononuclear cells.

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